



# SENATE BILL 156: Conditions of Pretrial Detention.

2019-2020 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	March 19, 2019
<b>Introduced by:</b>	Sens. J. Jackson, Bishop, Daniel	<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** *The PCS for Senate Bill 156 would authorize a judicial official to order a defendant not to have contact with the alleged victim.*

## BACKGROUND AND CURRENT LAW:

The North Carolina Court of Appeals noted in *State v. Mitchell*, that judicial officials have no specific statutory authority to order a defendant not to contact a victim if the defendant remains in custody.

**G. S. 15A-534** and **G. S. 15A-534.1** provide the guidelines for a judicial official to set pretrial *release* conditions but do not expressly authorize a judicial official to set a condition on a defendant who remains detained.

## BILL ANALYSIS:

The bill as introduced would have provided that any condition of pretrial release take effect prior to release.

**The PCS for Senate Bill 156** would make a no-contact order separate and distinct from pretrial release conditions.

**The PCS for Senate Bill 156** creates a new statute that would:

- Authorize a judicial official to order a defendant to have no contact with the alleged victim.
- Clarify that a no-contact order is in effect until modified or the final disposition of the criminal charge.
- Clarify that unless the order is modified, a no-contact order is in effect if the defendant appeals the conviction.
- Create documentation of the no-contact order.
- Put the defendant on notice that contacting the victim could result in more criminal charges.
- Make the detention facility, if any, aware of that there is a no-contact order.

**EFFECTIVE DATE:** This act would become effective December 1, 2019, and apply to offenses committed on or after that date.

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*This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.*